

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter Application of L.A. TOP SHUTTLE, INC dba SHUTTLE ONE, a California Corporation To Modify Its SCHEDULED SERVICE, On Existing Authorized Service Area Decision (90-96-040) Stage Authority (PSC-6235) To Certain Portions of Los Angeles County, Orange County, Riverside County, Ventura County and San Bernardino County On One Hand and Los Angeles International Airport (LAX), Orange County Airport (SNA) And Ontario Airport (ONT) On The Other Hand.

Application 01-11-048

**ADMINISTRATIVE LAW JUDGE'S RULING DENYING MOTION
TO REMOVE APPLICANT'S PRESIDENT AS A REPRESENTATIVE**

Protestant Ground Systems, Inc., dba The Airport Bus, filed a motion dated April 23, 2002 alleging that the president of Applicant corporation cannot represent Applicant in proceeding before this Commission. As authority for this proposition Protestant cites Merco Constr. Engineers v. Muni. Ct. (1978) 21 Cal.3d 724, which holds that a corporation cannot be represented in courts, except for small claims courts, by a nonattorney, even if the person is an officer of the corporation. Applicant filed a response opposing this motion.

The Merco case, supra applies to appearances in courts. Under the provisions of Article XII, Section 2 of the California Constitution this Commission is permitted to establish its own procedures. It has done this in Rules of Practice and Procedure, Title 20, California Code of Regulations. These

rules specifically contemplate participation in our proceedings by “. . . a party or by the attorney or *representative* of the party.” (Ital. added.) Rule 2.2(c). Similar language is found in Rule 2.4(e).

In Consumers Lobby Against Monopolies v. P.U.C. (1979) 25 Cal.3d 891 the Supreme Court considered the problem of nonattorneys participating in Commission proceedings.

“Nonattorneys are generally not permitted to participate in judicial proceedings; rather, with a few limited exceptions, a person must be licensed as an attorney before he can appear in court. In Public Utilities Commission proceedings, by contrast, the participants are not required to be licensed attorneys, and it is common for such persons to make appearances on behalf of others. The commission’s own rules explicitly acknowledge this practice. (*See, e.g.*, Cal. Admin. Code, tit. 20, rule 4). Moreover, even a brief perusal of the California Public Utilities Commission Reports demonstrates that appearances by nonattorneys comprise a substantial and important part of the practice before that body. We must infer that the commission believes such persons are competent to participate in its proceedings in a representative capacity.” (footnote 12 omitted.)

The Court was aware of the Merco case, supra, on which Protestant relies. It specifically discusses Merco on another point in the omitted footnote 12.

Based on the specific attention given to this problem by the California Supreme Court there is no inhibition on a nonattorney serving as a representative of a party before the Commission, whether that party is a corporation, partnership, or an individual.

IT IS RULED that Protestant's motion to remove Applicant's president as a representative for Applicant in this proceeding is denied.

Dated May 24, 2002, at San Francisco, California.

/s/ Sheldon Rosenthal
Sheldon Rosenthal
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Motion to Remove Applicant's President as a Representative on all parties of record in this proceeding or their attorneys of record.

Dated May 24 2002, at San Francisco, California.

/s/ Antonina V. Swansen
Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.